

PUBLIC HEALTH

**ALWAYS WORKING FOR A SAFER AND
HEALTHIER WASHINGTON**

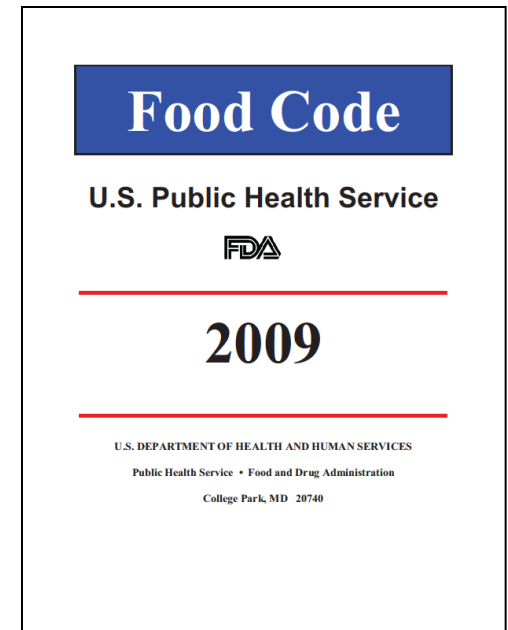
2012 Food Rule Revision

Washington State Board of Health
March 14, 2012

Nancy Napolilli, Director
Office of Environmental Health, Safety, and Toxicology

History – Washington Food Rule

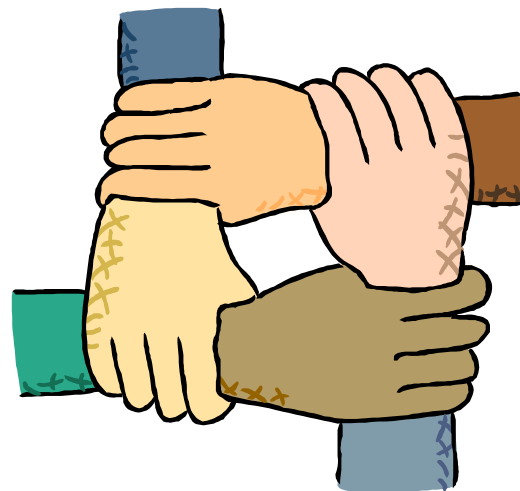
- Chapter 246-215 WAC – Food Service
- RCW 43.20.145 – use FDA Food Code
- Current rules
 - Based on 2001 FDA Food Code (with modifications)
 - Effective May 2005
- 2009 FDA Food Code used for this revision



Revision Process

Workgroup met January 2010 to July 2011

- Local Health Jurisdictions
- Grocery Industry
- Restaurant Industry
- Consumers
- Academia
- Department of Agriculture
- Department of Early Learning
- Office of Superintendent of Public Instruction



Revision Process

- Gathered workgroup recommendations
- Shared draft rules based on workgroup recommendations with SBOH EH Committee
- Modified draft rules
- Shared draft rules at four informal meetings across state
- Discussed stakeholder comments and department recommendations with SBOH EH Committee

Potentially Hazardous Food

- 2009 FDA Food Code added:
 - Cut tomatoes
 - Cut leafy greens
- Workgroup recommended adoption
 - Some industry concerns with ability to keep temperatures below 41°F
- We recommend adoption



Date Marking

- Only applies to potentially hazardous foods that can support the growth of *L. monocytogenes*
- Is a system for food operators to identify the day by which certain foods must be consumed on the premises, sold or discarded
- Is not manufacturer's *sell or use by date*



Date Marking

- Workgroup recommended adoption
 - Some industry concerns with additional workload and holding times for some food items
- We recommend adoption



Hot Holding

- 2009 FDA Food Code is 135°F
- Current state code is 140°F
- Workgroup recommended adoption
- We recommend adoption



Wild Mushrooms

- FDA Food Code requirements not feasible
- Workgroup recommended
 - Limiting species, individually identified in wild state
 - Source documentation must be kept
- We recommend adoption of workgroup recommendations with these additional controls:
 - Pacific Northwest states
 - Require cooking to 135°F



Time as a Public Health Control

- 2009 FDA Food Code allows food that begins at 41°F or below to be kept at room temperature up to 6 hours
- Current state code allows some foods to be kept at room temperature up to 4 hours
- Workgroup recommended adoption
- We do not recommend adoption at this time

Non-continuous Cooking

- 2009 FDA Food Code allows partial cooking followed by reheating to 165°F
- Workgroup recommended adoption with an allowance for “grill marking” including reheating grill marked foods to standard temperatures
- We recommend adoption of workgroup recommendation with the additional control of consumer advisory for undercooked meat

Hot Water for Handwashing Sinks (Not based on 2009 Food Code)

- Currently, hand wash sinks must be able to provide 100°F water
- Workgroup recommended a maximum of 45 seconds for hot water to reach temperature
- We recommend keeping rule as is, with no maximum time
- We will provide guidance to local health



Pre-schools

(Not based on 2009 Food Code)

- Regional childcare committee identified regulatory gap
- Pre-schools currently required to meet all provisions
- This proposal conditionally exempts pre-schools from several existing provisions
- Workgroup recommended adoption
- We recommend adoption



Next Steps

- Create final draft rules based on SBOH direction
- Provide final draft rules to stakeholders for formal public comments
- Present formal comments and proposed rules to SBOH for consideration at public hearing on October 10, 2012
- Recommend implementing rules – May 2013